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OFFICE OF PETITIONS

In re Application of :
Jeon :
Application No. 10/751,044 :
Filed: December 31, 2003 :
Title: Parking Lever Apparatus of a Vehicle :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed February 6, 2006. In the alternative, petitioner has requested the petition be treated under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is Dismissed.
The petition to revive under 37 CFR 1.137(b) is Granted.

This application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed February 3, 2005 and set a 3 month period for reply. Extensions of time were not available under 37 CFR §1.136(a). Accordingly, this application became abandoned on May 4, 2005. A Notice of Abandonment was mailed on August 3, 2005.

Petitioner contends that the Notice of Allowability merely stated that "Formal Drawings should be submitted". When specific drawings objections were requested during a telephone interview, petitioner was purportedly told that the "patent drawings should look perfect". Petitioner contends that imperfections in the drawings cannot be located. Subsequent calls to the examiner went unanswered. The issue and publication fees were timely submitted.

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn.

Pursuant to 37 CFR 1.2 All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. The Notice of Allowability clearly

states that applicant was required to submit corrected drawings within the three month period of reply. A review of the record shows that corrected drawings were not filed prior to the abandonment of the application. Further review shows petitioner did not file any objections to the Notice of Allowability in writing.

Alternative Venue

In the alternative, petitioner has requested the above petition be treated under 37 CFR 1.137(b).

The requirements for the filing of a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby Granted.

Pursuant to petitioner's request deposit account no. 50-0310 will be charged the \$1500.00 petition fee.

The application will be forwarded to the Office of Patent Publication for review of the drawings.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions